



# KANSAS

## DEPARTMENT OF HEALTH & ENVIRONMENT

BILL GRAVES, GOVERNOR

Gary R. Mitchell, Secretary

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May 7, 1998

Mr. Ron Robertson  
Laidlaw Environmental Services  
2549 North New York  
Wichita, Kansas 67219

Re: Hazardous Waste Compliance Inspection  
EPA-Identification Number: KSD 007 246 846

Dear Mr. Robertson:

I have received a letter dated March 25, 1998 from you which provides documentation that you have taken action to correct deficiencies found during a March 10, 1998 hazardous waste compliance inspection. When you repair the cracks in the secondary containment structure at the drum dock and revise your Subpart BB program please notify me in writing so I can show these violations corrected.

Your response regarding the reason why drums marked as ignitable waste (D001) were found in prohibited management units is not acceptable. Drums in the hazardous waste management units are subject to RCRA requirements, not DOT requirements. DOT regulations are applicable just before and during the time the waste is being transported. Storage and management of the containers by the DOT hazard class should be discontinued and your handling procedures should be modified to be consistent with RCRA regulations.

As for the contents of the drums not being ignitable, the generator of the waste is required to make the determination and assign the proper waste codes to the wastes. If you question the generator's determination, you may submit a sample to a certified lab for analysis. Please remember, mixtures of hazardous wastes, in Kansas, are required to carry all waste codes associated with the individual wastes. Knowledge of how the wastes are generated is required to make the proper determination.

As per your response, all issues should be addressed and corrected by May 30, 1998. As mentioned earlier, I will need notice of the completed work and your response to the storage issue. Please provide this notice in writing by May 30, 1998. Your cooperation with the hazardous waste management program is appreciated. If you have any questions concerning this letter, please call me at 913/827-9639.

Sincerely,

Michael R. McCord, CHMM  
Waste Management Programs  
Bureau of Environmental Field Services

c: John Mitchell, BWM  
Ron Smith, BWM  
NCD-file



R00121657  
RCRA RECORDS CENTER



March 25, 1998

Kansas Department of Health and Environment  
Bureau of District Operations  
Waste Management Programs  
2501 Market Place, Suite D  
Salina, Kansas 67401  
Attention: Michael R. McCord

**RECEIVED**  
**APR 03 1998**  
**SALINA OFFICE**  
**KDHE**

Re: **RCRA Compliance Inspection on March 10 - 11, 1998**  
**Laidlaw Environmental Services, (Wichita) Inc. EPA ID Number KSD007246846**

Dear Mr. McCord,

This letter contains our responses to the alleged violations cited during your inspection of this facility.

KAR 28-31-4(g)(1) Ignitable waste stored within 50 feet of property line.

Permit Condition  
III.J.1

Storing ignitable wastes in prohibited management units.

These citations refer to one issue: two drums stored in C300 and one drum in Building B were marked as D001, but labeled as DOT class 9, not 3, 4, or 5.

**Response**

Facility procedure has been to segregate by DOT hazard class, not by EPA waste codes. The DOT hazard class will always reflect the safety hazards of the material, as required by 49 CFR 172.401(a), while EPA hazardous waste numbers do not necessarily represent the hazards of the material in the package. This is often the case with materials which carry EPA waste numbers solely because they are derived from or mixed with a hazardous waste. The drums in question were neither ignitable nor reactive, as evidenced by their being in DOT hazard class 9.

Three container management areas are excluded from the management of ignitable or reactive materials: C300 at the west end of Building C, Building B, and the west 25 feet of Building I. Hazardous wastes which bear EPA hazardous waste numbers which are identified with an ( I ) for ignitable or an ( R ) for reactive in the Attachment C-B, the Waste List attached to the Waste Analysis Plan, Section C of Part B of the facility RCRA Permit Application, will be excluded from management in these areas.

KAR 28-331-4(g)(1) Cracks in secondary containment (40 CFR 264.175(b))

Filled gaps in the floor of the drum dock show evidence of deterioration.

Response

Seals in the floors of containments which are exposed to the weather are repaired routinely - these repairs may be made only when the temperature of the concrete floor is above 45 degrees F., that is, in the late spring or later. The damaged seals identified in the joints in the floor of the drum dock are scheduled to be mended as soon as the ground temperature allows proper application of the sealant. We have scheduled this work to be done no later than April 30.

o/c KAR 28-31-4(g)(3) 4 drums not marked 'Hazardous Waste'

Four drums containing lead/acid batteries were marked as 'Non-Hazardous.'

Response

These materials have been subsequently identified as "Batteries for recycle." They had been committed to recycling under the Universal Waste Program, and per 40 CFR 266.80 and facility procedure were remarked without EPA markings or waste codes.

Permit Condition  
V.G.2

Multiple threaded connections not marked per Subpart BB.

Response

We have scheduled to revise and rewrite our BB Program, including generating new piping drawings, numbering, and tags to represent all monitoring points subject to this regulation. Although a contract for this work has not been signed, we anticipate completing this work by May 15, 1998.

o/c 40 CFR 264.13

Waste not identified as per WAP.

A drum marked "D001 - Alodyne rags" was manifested and profiled D003, D007.

Response

We have reexamined our acceptance procedures and retrained our waste acceptance personnel to identify and reconcile discrepancies between container markings and manifest descriptions.



Permit Condition

012 I.E.10

No notification of permit modification

One drawing in the Part A does not show the current arrangement of the security fence around buildings I and J.

Response

No change in this fence has been made since the Permit was approved, and the permit has not been modified in this respect; other drawings in the permit show this fence correctly. KDHE's representatives agreed with the facility's security management for these buildings. We will submit correct drawings to replace those which are in error by April 3, 1998.

OK CFR 264.16(a)(1)

Inadequate personnel training

KDHE stated: The above violations indicate that, while training has been performed as required, it has not been adequate to ensure compliance.

Response

Each issue will be reviewed and training updated as necessary to ensure compliance.

If you have any further questions, please call me or Rusty Dunn at the number below.

Sincerely,

Ron Robertson  
Facility Environmental Manager

cc: Mark Bradbury, KDHE SCDO  
Bill Ross, LES  
Rusty Dunn, LES-W



RECEIVED  
MAY 12 1998

# Hazardous Waste Compliance Monitoring and Enforcement Log

FORM  
A

Handler

ID Number **K S D O D 7 2 9 6 8 4 6**

LDF ( )

TSF ☒

GEN ☒

KG ( )

SQ ( )

TRA ( )

HWM ☒

HWB ( )

UOM ( )

UOB ( )

NOT A GEN ( )

Handler Name: Laidlaw Environmental Services

Street: 2549 N. New York

City: Wichita

County: SG

## EVALUATION

New ☐

Followup: Date (on site)

Date (of letter)

M M D D Y Y  
**05 07 98**

Delete ☐

Date **98 03 10**

Agency **S**

Type **CSE**

Reason **01**

Person **MRM**

District **SC**

Areas of Evaluation (EV - Evaluated, NE - Not Evaluated, NA - Not Applicable)

Generator	
GER	<b>NA</b>
GGR	
GLB	
GMR	
GOR	<b>NA</b>
GPT	
GRR	
GSC	
GSQ	<b>NA</b>

Transporter	
TGR	
TMR	
TOR	
TRR	
TWD	

Treatment/Storage/Disposal Facility			
DCH		DGW	
DCL		DIN	
DCP		DLB	
DFR		DLF	
DGS		DLT	
DMC		DMR	
DOR		DOT	
DPB		DWP	
DPP		DSI	
DTR		DTT	

Other	
BRR	
CAS	
CSS	
FEA	
ILD	

Used Oil UOM ☐ UOB ☐ UTM ☐ SUM ☐ SUB ☐

## COMMENTS

VIOLATION # 1 Date Determined **03 11 98**

New ☐ Change ☒ Delete ☐ Comments ☐

Agency **S** Number **77** Area **ST** Class **1** Priority **SR** Type **SR**

Regulation Citation: KAR 28-31-4(g)(1)

Description: ignitable waste within 50' of property line Returned to Compliance

Sch'd **05 30 98** Actual ☐

VIOLATION # 2 Date Determined **03 11 98**

New ☐ Change ☒ Delete ☐ Comments ☐

Agency **S** Number **77** Area **DGS** Class **1** Priority **SR** Type **PC**

Regulation Citation: P.C. III, J.1

Description: storing ignitable waste in unpermitted units Returned to Compliance

Sch'd **05 30 98** Actual ☐

VIOLATION # 3 Date Determined **03 11 98**

New ☐ Change ☒ Delete ☐ Comments ☐

Agency **S** Number **77** Area **DGS** Class **2** Priority **SR** Type **SR**

Regulation Citation: KAR 28-31-8

Description: Cracks in 2" Containment Returned to Compliance

Sch'd **05 30 98** Actual ☐

VIOLATION # 4 Date Determined **03 11 98**

New ☐ Change ☒ Delete ☐ Comments ☐

Agency **S** Number **77** Area **DGS** Class **2** Priority **SR** Type **PC**

Regulation Citation: P.C. V.G.2

Description: Subpart BB Violation Returned to Compliance

Sch'd **05 30 98** Actual ☐

# Hazardous Waste Compliance Monitoring and Enforcement Log

FORM  
B

ID Number: **K S D 007246846**

Handler Name: Luclaw Env. Services

**VIOLATION #** 5      **Date Determined** 03 11 98

New ☐    Change ☒    Delete ☐    Comments ☐

Agency **S**    Number 50    Area DGS    Class 1    Priority FR    Type FR

Regulation Citation: 40 CFR 264.13

Description: waste not identified as per WAP      Returned to Compliance

Sch'd 04 01 98      Actual 04 03 98

**VIOLATION #** 6      **Date Determined** 03 11 98

New ☐    Change ☒    Delete ☐    Comments ☐

Agency **S**    Number 50    Area DGS    Class 2    Priority PC    Type PC

Regulation Citation: P.C. I.E. 10

Description: No Notification of a permit modification      Returned to Compliance

Sch'd 04 01 98      Actual 04 03 98

**VIOLATION #** 7      **Date Determined** 03 11 98

New ☐    Change ☒    Delete ☐    Comments ☐

Agency **S**    Number 50    Area DGS    Class 2    Priority FR    Type FR

Regulation Citation: 40 CFR 264.16(a)(1)

Description: Personnel Training      Returned to Compliance

Sch'd 04 21 98      Actual 04 03 98

**VIOLATION #** \_\_\_\_\_      **Date Determined** \_\_\_\_\_

New ☐    Change ☐    Delete ☐    Comments ☐

Agency **S**    Number \_\_\_\_\_    Area \_\_\_\_\_    Class \_\_\_\_\_    Priority \_\_\_\_\_    Type \_\_\_\_\_

Regulation Citation: \_\_\_\_\_

Description: \_\_\_\_\_      Returned to Compliance

Sch'd \_\_\_\_\_      Actual \_\_\_\_\_

**VIOLATION #** \_\_\_\_\_      **Date Determined** \_\_\_\_\_

New ☐    Change ☐    Delete ☐    Comments ☐

Agency **S**    Number \_\_\_\_\_    Area \_\_\_\_\_    Class \_\_\_\_\_    Priority \_\_\_\_\_    Type \_\_\_\_\_

Regulation Citation: \_\_\_\_\_

Description: \_\_\_\_\_      Returned to Compliance

Sch'd \_\_\_\_\_      Actual \_\_\_\_\_

**VIOLATION #** \_\_\_\_\_      **Date Determined** \_\_\_\_\_

New ☐    Change ☐    Delete ☐    Comments ☐

Agency **S**    Number \_\_\_\_\_    Area \_\_\_\_\_    Class \_\_\_\_\_    Priority \_\_\_\_\_    Type \_\_\_\_\_

Regulation Citation: \_\_\_\_\_

Description: \_\_\_\_\_      Returned to Compliance

Sch'd \_\_\_\_\_      Actual \_\_\_\_\_

**ENFORCEMENT**

New ☐

Change ☒

Delete ☐

Date 98 05 07

Number 50

Agency **S**

Type 120

District **SC**

Person MEH

**COVERED VIOLATIONS**

Agency	Violation Number	Area
<b>S</b>	<u>1</u>	<u>GPT</u>
<b>S</b>	<u>2</u>	<u>DGS</u>
<b>S</b>	<u>3</u>	<u>DGS</u>
<b>S</b>	<u>4</u>	<u>DGS</u>

Agency	Violation Number	Area
<b>S</b>		
<b>S</b>		
<b>S</b>		
<b>S</b>		

Agency	Violation Number	Area
<b>S</b>		
<b>S</b>		
<b>S</b>		
<b>S</b>		

Comments: \_\_\_\_\_